I hereby certify that on Wolf 31, 2011, this correspondence is being submitted to the Patent and Trademark Office via the Office Electronic Filing System in accordance with 37 C.F.R. §1.6(a)(4), addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Marilyo R. Khorsandi

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Bilibin, Paul et al.

Application No.

09/684,861

Filed

October 6, 2000

Title

Apparatus, Systems and Methods for Determining

Delivery Time Schedules for Each of Multiple Carriers

Grp./Div.

3623

Examiner

Pats, Justin

Docket No.

PSTM0024/MRK

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 140 S. Lake Ave., Suite 312 Pasadena, CA 91101-4710 May 31 , 2011

DECLARATION UNDER 37 C.F.R. SECTION 132
BY WILLIAM W. SMITH III
FILED IN SUPPORT OF
AMENDMENT AND RESPONSE TO OFFICE ACTION
DATED DECEMBER 30, 2010 REGARDING THE ABOVE-IDENTIFIED
APPLICATION

BACKGROUND INFORMATION ABOUT THE DECLARANT

- 1. I, WILLIAM W. SMITH III, am Chief Technology Officer ("CTO") of iShip Inc., a wholly owned subsidiary of United Parcel Service, which is one of the assignees of the above-mentioned application. I have been in the employ of iShip Inc., or one of its predecessor's in interest, since at least 1995, and in the present capacity as Chief Technology Officer since at least 1997.
- 2. iShip Inc. is an online provider of a multi-service, multi-carrier, Internetenabled server-based shipping management system (at, among others,

www.iship.com) for use by small volume shippers such as small businesses and home offices. The multi-carrier, multi-service, Internet-based shipping management system that iShip Inc. offers provides shipping users ("shippers") with a cross-comparison of shipment rating, service options, delivery schedules and other services by each of the multiple carriers for each of multiple services so that a shipper can compare multiple services offered by the multiple carriers and select one service offered by one of the multiple carriers to ship a parcel. When I first became involved in the development of this particular shipping management system, I worked for Movelt! Software Inc. ("Movelt!"), a company that was founded in 1997; I was one of three founders. Movelt! eventually became iShip.com, Inc., which eventually merged with Stamps.com Inc. and which is currently a wholly owned subsidiary of United Parcel Service ("UPS"). As of the date of this Declaration, iShip Inc. and Stamps.com are joint owners in common of the subject invention.

- 3. I hold a Master of Science degree, granted in 1988, in Industrial Engineering and Operations Research from Virginia Tech.
- 4. This Declaration is made with reference to a previously-filed Declaration by John Dietz ("Verified Statement (Declaration) Number 1 ..." (which may be referred to herein as the "Dietz Declaration" or "Dietz Decl."). It is my recollection and belief, and as was stated in the Dietz Declaration, that Movelt! had entered into an agreement (the "CEI Beta Test Agreement") with College Enterprises, Inc. ("CEI") during late November, 1997 to install, operate, monitor, support and nurture a Beta Test version of an early prototype multi-carrier Internet-based shipping system at a selected college campus.
- 5. It is my recollection and belief that the Internet-based shipping system prototype was subsequently installed by Movelt!/iShip.com on or about April 15, 1998 for Beta Test pre-processing of small parcels by shippers at the University

of California, Santa Barbara and for Beta Test shipping of parcels by Shipping Station operators at the Pulse Copy and Technology Center at the University of California, Santa Barbara (the "Santa Barbara Beta Test").

- 6. It is my recollection and belief that the Pulse Copy and Technology Center shipping station operators were employees of or contractors to CEI and were subject to a non-disclosure agreement between Movelt!/iShip.com and CEI as evidenced by the copy of the non-disclosure agreement between CEI and Movelt!/iShip.com that was attached as Exhibit H to the <u>Dietz Declaration</u>. It is my recollection and belief that Movelt!/iShip.com personnel trained Pulse Center personnel during the period from April 15, 1998 through April 17, 1998 to be Shipping Station operators for the Santa Barbara Beta Test environment.
- 7. It is my recollection and belief that the Santa Barbara Beta Test environment became available for use by shipment pre-processing users, including students and faculty, from the Santa Barbara campus on or about April 20, 1998. It is my recollection and belief that the Beta Test environment was restricted to use by accesses from Internet Protocol Addresses on the Santa That is, as is my recollection and belief, the Beta Test Barbara campus. environment was not accessible by computers that accessed the Internet from Internet Protocol Addresses that were outside of the Santa Barbara campus. It is my recollection and belief that the aforementioned Beta Test environment restriction was implemented in the Beta Test system by restricting access of the Beta Test website address to accesses by Internet Protocol ("IP") addresses that were within a range of IP addresses that were located on the Santa Barbara campus; only computers with IP addresses within that authorized range of IP addresses were authorized to, and allowed to, access the Beta Test website.

- 8. It is my recollection and belief that Movelt/iShip.com computer software code was viewable and modifiable only by those personnel that worked for Movelt!/iShip.com.
- 9. It is my recollection and belief, and as was declared in the *Dietz* Declaration, that Movelt!/iShip.com supported the Santa Barbara Beta Test through several Beta releases, applying software modifications and making hardware adjustments to fix defects identified by both the Beta Test participants on the U.C. Santa Barbara campus and by Movelt!/iShip.com support personnel. It is my recollection and belief that the software fixes made as a result of the Santa Barbara Beta Test were logged using software named "Tracker" by a company named "Intersolv." It is my belief that a backup tape of the software fixes may still exist. However, as of the date and time of this Declaration, as a result of more than a decade having passed since both the above-mentioned merger of iShip with Stamps.com and the subsequent acquisition by UPS, I am unaware of the location of such a backup tape. Further, it is my belief and understanding that iShip is no longer in possession of a viable copy of the abovementioned Tracker software that would be needed to intelligibly display the software fixes that had been made during the Santa Barbara Beta Test in the form of a software log. Even so, it is my recollection and belief, and as was declared in the <u>Dietz Declaration</u>, that Movelt!/iShip.com made software and hardware fixes numbering at least in the hundreds during and throughout, the Santa Barbara Beta Test.
- 10. It is my recollection and belief that the Santa Barbara Beta Test website did not generate an online interactive prompt of interactive shipping rate fields that were configured for user selection, such that a user selection of such an interactive shipping rate field would result in the generation of a shipping label for printing at a printer that was in communication with the user's client computer. Rather, it is my recollection and belief that the Movelt!/iShip.com system tested

as part of the Santa Barbara Beta Test would receive a user's pre-processing input for a package and would display a chart of rates, as depicted in a true and correct copy of a screen mockup for the Santa Barbara Beta Test attached hereto as Exhibit A. It is my recollection and belief that in the Santa Barbara Beta Test, the charted rates were selectable -- however, a user clicking on a particular rate in the chart of rates would not result in the printing of a shipping label – rather, clicking on a particular rate would only cause a display of a screen summarizing the shipping information, and depicting an estimated shipping cost and a package number, as depicted in a true and correct copy of a screen mockup for the Santa Barbara Beta Test attached hereto as Exhibit B. It is my recollection and belief that a pre-processing student or faculty user would then have to take the package to be shipped to a Shipping Station operator (who would have been subject to a confidentiality agreement) at CEI's Pulse Copy and Technology Center for final label generation and shipping. It is my recollection and belief that at the CEI Pulse Copy and Technology Center, a CEI Shipping Station operator (who would have been subject to a confidentiality agreement) would then have to enter the package number and weigh the package, as depicted in a true and correct copy of shipping station screen mockups as attached hereto as Exhibits C and D. It is my recollection and belief that after entering the package number and weighing the package, the CEI Shipping Station operator (who would have been subject to a confidentiality agreement) would then have been able to print a shipping label, as described in a true and correct copy of a shipping station screen mockup as attached hereto as Exhibit E. It is my recollection and belief that the above-described pre-processing and subsequent shipping station operator procedure was in place during the entire Santa Barbara Beta Test environment, and at no time during the Santa Barbara Beta Test environment, could a pre-processing user click a rate on a displayed rate chart and print a shipping label at the pre-processing user's own computer.

- It is my understanding, recollection and belief that CEI was the party with 11. whom the carriers (e.g., UPS, Airborne, etc.) would have contracted to pay revenues, such as a "commission," for packages that were shipped through CEI's Pulse Copy and Technology Center at UC Santa Barbara. It is my understanding, recollection and belief that revenues would have been earned by CEI for packages, such as, for example, for each package, or possibly, for an incremental number of packages, that were shipped by one of CEI's contracting carriers through CEI's Pulse Copy and Technology Center at UC Santa Barbara the revenues would have been earned by CEI whether or not a student or faculty member may have first "pre-processed" shipping of their respective packages using the Beta Test Movelt!/iShip website, and whether or not a CEI Shipping Station Operator (who was subject to a confidentiality agreement) may have used the Beta Test Movelt!/iShip website to print a shipping label. After reviewing documents regarding the Santa Barbara Beta Test, it is my understanding, recollection and belief, and as was declared in the Dietz Declaration, that CEI never shared any revenues with Movelt!/iShip that CEI may have derived for packages that may have been shipped with a label that may have been printed, or for a package that may have been pre-processed, using the Beta Test Movelt!/iShip.com website.
- 12. It is my recollection and belief that later, on or about October 2, 1998, Movelt!/iShip.com entered an agreement whereby Movelt!/iShip.com would pay Microsoft a fee based on the number of "click throughs" from the Microsoft (MSN) website to a Movelt!/iShip.com Website. It is my recollection and belief that an embodiment of the "click through" agreement was not implemented live on the Internet until sometime on or after October 6, 1998, which did not precede by more than one year the October 6, 1999 filing date of the first provisional application to which the present application claims priority.

- 13. After the Santa Barbara Beta Test, and until the above-mentioned Microsoft "click-through" live Internet implementation, it is my recollection and belief that Movelt!/iShip.com did not enter into any further revenue-sharing agreements with any other platform partners, and did not derive any revenues from any such agreements.
- 14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application or any corresponding U.S. patent.

Data:

William W. Smith III

Bilibin, Paul et al.

Application No.

09/684,861

Filed

Title

October 6, 2000

Apparatus, Systems and Methods for Determining Delivery Time

3623

Schedules for Each of Multiple Carriers

Grp./Div. Examiner

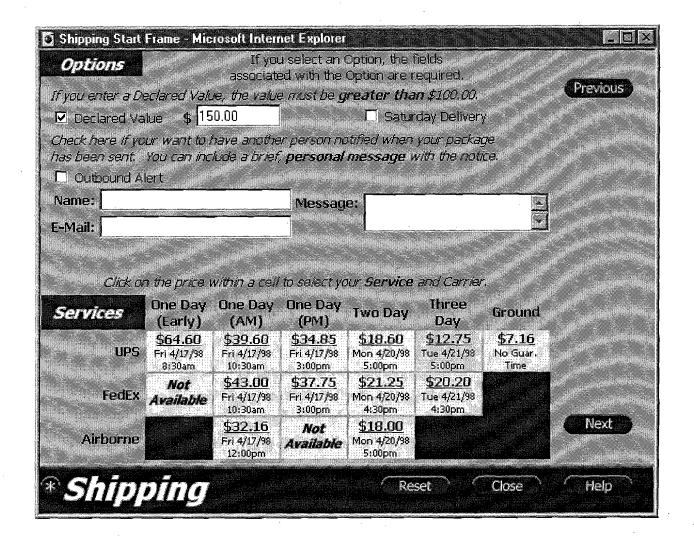
Pats, Justin

Docket No.

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TO DECLARATION UNDER 37 C.F.R. SECTION 132

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Bilibin, Paul et al.

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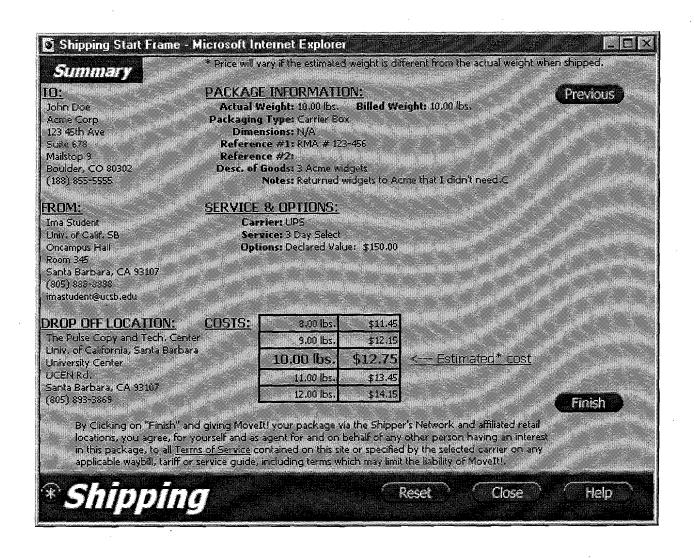
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MoveIt! Shipping Station (Pulse)



Admin	If you know the Movelt! Tracking Number of the package you wish to ship,, please enter it in the space below and click the Search button.
	MoveIt! Tracking Number: Search
	To review a list of your shipping requests, enter your Movelt! User ID and Password in the spaces below and click the Log On button.
	User D: Land to the second sec
	Password: Log On
	Next Pick Up Date: Today at 4 PM - Thursday, April 16, 1998 Complete 1998 Novel 1 Software Inc. All rights reserved Novel 1 Societates - ALPS
	and the state of the
Shipping Start	

Bilibin, Paul et al.

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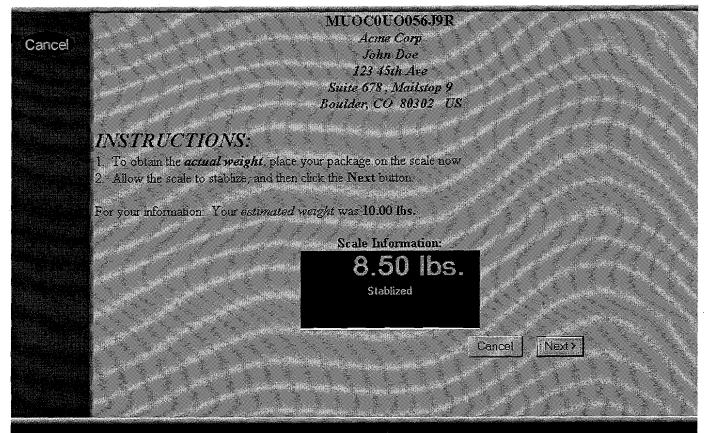
PSTM0024/MRK

TO DECLARATION UNDER 37 C.F.R. SECTION 132 BY WILLIAM W. SMITH III



MoveIt! Shipping Station





Step 1 of 2 - Get Actual Package Weight

Bilibin, Paul et al.

Application No.

09/684,861

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EXHIBIT E

TO DECLARATION UNDER 37 C.F.R. SECTION 132

BY WILLIAM W. SMITH III



MoveIt! Shipping Station



INSTRUCTIONS:If everything is correct, press the Finish button to print your label and receipt Cancel If there is a problem with your package, please notify the store clerk. SHIPPING CHARGES: CARRIER AND SERVICE: SHIP TO: Carrier: UPS Acme Corp Service Option Charges: \$0.35 Service: 3 Day Select John Doe Billed Weight Rate: \$11.80 123 45th Ave Options: Declared Value (\$150.00) Total Charge: \$12.15 Suite 678 Guar. Delivery: 4/21/98 Mailstop 9 Boulder, CO 80302 PACKAGE INFORMATION: Packaging: Carrier Box Actual Weight: 8,50 lbs. Reference 1: RMA # 123-456 Billed Weight: 9.00 lbs. Reference 2: Cancel < Back

Step 2 of 2 - Confirm Ship Package